WP(C) 4518/2006
BEFORE
HON’BLE CHIEF JUSTICE(ACTING) RANJAN GOGOI
HON’BLE MR. JUSTICE AC UPADHYAY

Affidavits of Sri AK Bhutani, the then CEO, GMDA, Sri Pritam Saikia, the present CEO, GMDA, and Sri Guna Tamuli Phukan, the Builder, have been filed pursuant to the order dated 3.9.2009. We have perused the said affidavits.

The file bearing No.GMDA/BP/1926/04 placed before the Court in support of the statements made by Sri Bhutani will remain along with the records of this case.

The stand taken by the first two contemners is that they had filed their respective affidavits earlier stating that demolition work on the sixth floor had been carried by relying on the report of the Town Planner dated 24.3.2007. They have further stated that after the inspection was carried out by the Town Planner and the report dated 24.3.2007 was submitted the Builder had raised/made certain constructions, which were found by the Advocate Commissioner and are mentioned in his report.

The Builder, Sri Guna Tamuli Phukan, in Paragraph 5 of the affidavit, has, however, stated that minor works were undertaken by him, which, he understood to be permissible within the structure realignment that was permitted by the Court.

The aforesaid defence of the contemners will be considered by this Court on 17.9.2009, on which date, the contemners will appear before the Court personally, once again.